

GROUNDWATER

Environmentalists favor Kennecott plan

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Finally, environmentalists say Kennecott has done something right.

The Sierra Club and the U.S. Environmental Protection Agency have expressed support for the settlement of a dispute over contaminated groundwater east of the Bingham mine.

The settlement — proposed by Kennecott Utah Copper Corp., the Salt Lake Water Conservancy District and the Utah Department of Environmental Quality — would end a four-year legal battle among the entities.

"We think what Kennecott is trying to do is good — in principle," said Scott Endicott, spokesman for the Utah chapter of the Sierra Club. "There were some loopholes in the proposed settlement, but that may be just a matter of language."

In their official comments on the settlement, Sierra Club representatives said the proposal constituted a "framework for a fair and reasonable settlement of the public's claim for damage to its

groundwater resources" and called the proposal a "vast improvement over previous proposals."

The EPA has been equally supportive.

Robert Duprey, director of hazardous waste management for the EPA, said the settlement "sets out a good approach to settling both the issues of damages and restoration of the aquifer." He was especially pleased that the settlement did not make any attempt to interfere with the EPA's ability to pursue remediation.

Duprey and the Sierra Club noted minor problems with language and exclusion of information in the proposal, as did Salt Lake County Attorney Douglas Short.

Short wants the proposal to include a discussion of the total cost of resource restoration and of the possibilities for total restoration of water sources in contaminated areas. The EPA asked for a more extensive discussion of treatment plant proposals.

The Sierra Club also noted problems in discussion of the treatment plant. Endicott said the proposal,

as it is worded now, could allow Kennecott to obtain credit against a required \$28 million trust fund for the extraction of clean water, without building a treatment plant for contaminated water.

The Sierra Club asked that the settlement require Kennecott to build a treatment plant before credit is issued against the trust fund.

Preston Chiaro, vice president of technical services at Kennecott, said the company will work with the Sierra Club and others to weed out problems. But, he said, the settlement does not guarantee a treatment plant, nor is it supposed to.

"The purpose of the settlement is not to decide on a remedy," he said. "Kennecott simply guarantees a pot of money" for restitution.

"There has been no decision to build a treatment plant." But, if the EPA demands that a treatment plant be built, Kennecott would be responsible for its construction, Chiaro said.

DEQ Director Dianne Nielson said treatment plant requirements were not addressed because the in-

involved parties wanted to leave room for better methods of clean-up, should they become available. "Kennecott may come up with options better than a treatment plant," she said. "I didn't want to make a judgment on one project or another" for treatment of contaminated water.

Nielson believes the \$37 million trust fund Kennecott has agreed to provide — \$9 million in cash plus the \$28 million secured in credit — will be sufficient for treatment. As trustee of the fund, the DEQ, not Kennecott, would control the money and decide on methods for treatment, she said.

Nielson said she liked the Sierra Club request for a citizens advisory panel, which would probably be implemented.

Other suggestions for changes in the settlement will be discussed soon with the involved parties. The final proposal will then be taken to U.S. District Court Judge Thomas Greene on Aug. 21.

In addition to the \$9 million cash payment and \$28 million line of credit, the settlement would require Kennecott to spend an estimated \$42 million on pollution control and remediation, including pumping 400 acre-feet of water per year from the contaminated aquifer. Kennecott must also contribute \$1 million to EPA studies on the nature and extent of contamination in the aquifer.

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